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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,691	02/02/2004	Frederick J. Feddersen	5769	7664

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EXAMINER

HOWELL, DANIEL W

ART UNIT PAPER NUMBER

3722

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,691

Applicant(s)

FEDDERSEN, FREDERICK J.

Examiner

Daniel W. Howell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 19-24 and 42-51 is/are allowed.
- 6) ☒ Claim(s) 13-18, 25-27, 30-32, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 28, 29, 33-35 and 38-41 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-23-04</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 improperly uses the symbol for "angstroms" as the symbol for hardness. The proper symbol would be "A."

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Labinka (5,181,812). Figure 2 shows a guide support 54 having a cylindrical body, a first flange 58, and a smaller diameter flange 67 that has a shoulder for engaging the inner race of the bearing. As stated at column 3, line 68, and column 4, line 24, the device is made of a resilient organic polymer material. Figure 2 shows an unnumbered V-portion which will fit in the groove of a gun drill.

4. Claims 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiblen et al (4591300). Drill guide 21 has a stabilizer assembly 21 having male section 48 and a female section 34, and a screw/thread means 49 for connecting them together.

5. Claims 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (5630683). Drill guide 61 has a sleeve 15 with a chip deflector/breaker 41 at the front end. Metal cap 19 has an opening which receives the sleeve 15 and a threaded ring 27 for attaching to the drill guide.

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6. Claims 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by McClennan (3361014). Drill guide 30 has a plastic cap 37 with an opening 42 and a ring fitting within the inner race 33 of the bearing.

7. Claims 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Muthler (3317216). Drill guide 131, 21, has a cap 30 with an opening for the gun drill, the cap having a portion 32 of nylon, vinyl plastic, or rubber, and an attached portion 31 which may be of steel, brass, or bronze.

8. Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by French 2261828. Figure 1 shows the conventional bearing 3 of a drill guide and a cap 1 which fits within the inner race of the bearing. Figures 3 and 4 show a slightly different cap having polymeric ring 14 which fits in the inner bearing race and a metal disc 16. Figure 1 shows unnumbered screws which secure plates 10, 11. The disc 16 of figure 4 has two unnumbered holes which clearly are for the unnumbered screws to engage, permitting removal of the disc 16.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labinka. It is considered to have been obvious to have made the polymer of Labinka of PVC as this material is flexible enough to be inserted in the bearing, while providing a material which will last well.

Regarding claim 17, it is considered to have been obvious to have conducted sufficient

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experimentation to decide what hardness of the material is required in order to last in the gun drilling environment. Regarding claim 18, it is considered to have been obvious to have experimented with various dimensions to provide the flange width such that it is appropriate for the machining operation.

11. Claims 1-12, 19-24, are 42-51 allowed.

12. Claims 28-29, 33-35, and 38-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Monica Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.



Daniel W. Howell
Primary Examiner
Art Unit 3722